

June 16, 2021
Basil Seggos
Commissioner, NYSDEC
625 Broadway, Albany, NY 12233
Kristen Cady-Poulin
Environmental Analyst
625 Broadway, Albany, NY 12233

Sent Via email to (DEPPermitting@dec.ny.gov; basil.seggos@dec.ny.gov)

RE: NYSDEC SPDES Permit for the Catskill Influent Chamber (Catalum SPDES Permit No. 026 4652)

Dear Commissioner Seggos and Ms. Cady-Poulin,

On behalf of the Hudson River Estuary Management Advisory Committee (HREMAC), I am submitting the following comments on the Department of Environmental Conservation (DEC)'s State Pollutant Discharge Elimination System (SPDES) Permit for the Catskill Influent Chamber (Catalum SPDES Permit No. 026 4652) and the Draft Environmental Impact Statement (DEIS) prepared by the New York City Department of Environmental Protection (DEP).

The impacts of the release of turbid water to the Lower Esopus Creek, as governed by this draft permit, have not been completely studied, alternatives have not been sufficiently analyzed, and management solutions proposed are inadequate to protect the estuary, its tributaries, and the human and non-human life that depends on them.

HREMAC submits these comments to fulfill our obligation under of The Hudson River Estuary Management Act (§ 11-0306), which calls for the Commissioner to consult with the Committee "on regulatory, policy and other matters affecting the management, protection and use of the Hudson River estuarine district." The Esopus Creek is a major tributary of the Hudson River Estuary, and the actions governed by the permit have significant impacts on the Esopus Creek and the Hudson River Estuary. The Esopus Creek is dammed to create the Ashokan Reservoir. The Ashokan is one of the largest reservoirs in New York City's unfiltered drinking water supply, and serves over 9.5 million people in New York City and many Hudson Valley communities.

At issue with this permit is management of sediment in the Ashokan Reservoir and the watershed of the Upper Esopus Creek. The impacts of the current management strategies, specifically the use of the Interim Release Protocol (IRP), were recently evident from about Christmas 2020 through much of April 2021, as DEP released highly turbid water for an extended period following a large storm event that, coinciding with snowmelt, resulted in erosion in the Upper Esopus and its tributaries, and high sediment inflows to the Ashokan Reservoir. To minimize application of alum in the Catskill Aqueduct, DEP managed sediment using the IRP by releasing large volumes of turbid water to the Lower Esopus Creek, which is on New York State's list of impaired waters because of turbidity. According to the estimates of the Hudson River Drinking Water Intermunicipal Council (known as "the Hudson 7"), DEP released approximately 8.2 million pounds of solids, equivalent to 294 loads by a 14-ton dump truck.

Stakeholders representing many interests throughout the region have identified several concerns with the DEIS, the draft permit, the DEP's current management protocols (i.e.the IRP), and the impacts of the recent turbid releases. The DEIS should be revised and updated to reflect these concerns, which include but are not limited to these:

- Study the short-, long- and cumulative impacts of turbidity, solids, sedimentation and secondary impacts such as the growth of nuisance weeds like milfoil in the Esopus Creek and more rapid siltation of recreational vessel and tourboat access facilities. These studies should include ecological impacts on the creek, and economic and quality of life impacts to the communities along the creek.
- Study the impact on Hudson River water quality and the cost of drinking water treatment borne by the City and Town of Poughkeepsie, Village and Town of Rhinebeck, and the Towns of Esopus, Hyde Park and Lloyd, which collectively are represented by the Hudson River Drinking Water Intermunicipal Council. While treatment plants are equipped to remove solids, the cost of chemical treatments, energy use and sludge disposal are affected by the degree and duration of treatment.
- Study the short-, long- and cumulative impacts on biota of the Hudson River Estuary as required under 19 NYCRR 600.5, including in the tidal portion of Esopus Creek which is designated as a Significant Fish and Wildlife Habitat under NYS DOS coastal policy. Examples of potential impacts include Submerged Aquatic Vegetation, an important habitat type.
- Study the impact of extreme weather events that should be anticipated as a consequence of climate change.

In addition, stakeholders have identified concerns about the alternatives studied in the DEIS, and the lack of detail provided about the DEP's review of these alternatives. The alternatives must be thoroughly evaluated, including in combination, to identify any and all viable solutions to preserve drinking water quality while eliminating or limiting to the greatest extent possible impacts to the Esopus Creek, Hudson River and downstream communities. In the event that solutions are identified that may take years to implement, short-term interim solutions should also be considered to prevent impacts while long-term solutions are implemented.

Thank you for your consideration of this important matter. The Hudson River Estuary Management Advisory Committee is made up of stakeholders representing many interests, and we look forward to continuing to play a role in the identification of issues and solutions affecting the Hudson River Estuary, its watershed and its communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Stuart Findlay". The signature is fluid and cursive, with the first name being more prominent.

Stuart Findlay
Chair
Hudson River Estuary Management Advisory Committee